

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GEORGE MORRIS,

Plaintiff,

v.

UNITED HEALTH CARE,

Defendant.

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C.A. No. 4:15-cv-638

NOTICE OF REMOVAL

Defendant, for the purpose only of removing this cause to the United States District Court for the Eastern District of Texas, Sherman Division, states:

1. **State Court Action.** This is an action filed by Plaintiff on August 13, 2015, in the Small Claims Court, Precinct 3-1, Collin County, Texas, being numbered 31-SC-15-00131, on the docket of said court, and being a suit by Plaintiff to recover damages under the Telephone Consumer Protection Act, 47 U.S.C. § 227.

2. **Original Jurisdiction.** This action is removable under 28 U.S.C. § 1441 on the basis of a federal question. Plaintiff seeks to recover damages under the Telephone Consumer Protection Act, which is a claim exclusively maintainable under 47 U.S.C. § 227. This claim arises under federal law. Consequently, this Court has original jurisdiction under 28 U.S.C. § 1331 and 47 U.S.C. § 227. *See Mims v. Arrow Fin. Servs., LLC*, 132 S.Ct. 740, 745 (2012) (holding that federal and state courts have concurrent jurisdiction over private suits arising under the Telephone Consumer Protection Act).

Venue is proper in this District and Division under 28 U.S.C. § 1441, as this action was pending in a state court in Collin County, Texas. Defendant was served through its registered agent on August 21, 2015, thus removal is timely under 28 U.S.C. § 1446(b).

3. **State Court Documents.** Pursuant to Local Rule 81, an Index of State Court Documents is attached as Exhibit A, which includes all executed process and each document filed and order entered in the state court action. (The state court does not maintain a docket sheet.) Additionally, a List of Parties, Counsel, and State Court Information is attached as Exhibit B.

4. **Notice.** Defendant will give notice of filing of the Notice of Removal to all parties of record pursuant to 28 U.S.C. § 1446(d) and will file with the state court a notice of filing this Notice of Removal.

5. **Prayer.** Wherefore, Defendant prays that the United States District Court for the Eastern District of Texas, Sherman Division, accept this Notice of Removal and that it assume jurisdiction of this cause and that it issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Dated: September 18, 2015

Respectfully submitted,

By: /s/ Andrew G. Jubinsky

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on the parties listed below on September 18, 2015.

Via CMRRR:

George Morris
P.O. Box 864091
Plano, Texas 75086

/s/ Andrew G. Jubinsky

Andrew G. Jubinsky